REMARKS

Applicants have reviewed and considered the non-final Office Action mailed on April 23, 2008. Claims 61-65 are currently pending.

Applicants respectfully request reconsideration and allowance of all claims in view of the following remarks.

It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the prior art of record to the pending claims by filing the instant response.

Claims 61-65 are patentable over McKenna in view of Vogel under §103

Claims 61-65 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,816,904 to McKenna et al. ("McKenna") in view of U.S. Patent No. 4,930,160 to Vogel (hereinafter "Vogel"). The rejection is traversed.

Applicants respectfully submit that McKenna and Vogel, alone or in any permissible combination fail to teach or suggest a system or method comprising a group assignment rules processor engine for managing the plurality of group assignment rules by allowing a viewer to review which group the viewer's set top terminal is assigned to by said processor according to a respective group assignment rule of said plurality of group assignment rules and by processing any input from the viewer to locally modify or override any of the remotely assigned group assignment rules associated with the viewer's set top terminal, as positively claimed by Applicants' independent claims 61 and 64. Specifically, claims 61 and 64 positively recite:

> 61. A system, comprising:
> a processor located remotely from a viewer's set top terminal at an operations center for generating a plurality of group assignment rules based on viewing information;
> a switching engine for receiving said plurality of group assignment rules, wherein said plurality of group assignment rules associate a plurality of set top terminals to a group based on a target category and a switching plan and for

switching at least one program channel to at least one feeder channel according to the switching plan, the feeder channel being an ancillary channel for providing a plurality of advertisements based on a group assignment in the plurality of group assignment rules;

a group assignment rules processor engine for managing the plurality of group assignment rules by allowing a viewer to review which group the viewer's set top terminal is assigned to by said processor according to a respective group assignment rule of said plurality of group assignment rules and by processing any input from the viewer to locally modify or override any of the remotely assigned group assignment rules associated with the viewer's set top terminal; and

a data collection engine for collecting information including advertisements watched data and any changes to the plurality of group assignment rules for use in future advertising targeting. (Emphasis added).

64. A method, comprising:

creating a plurality of group assignment rules based on viewing information via a processor located remotely from a viewer's set top terminal at an operations center;

receiving said plurality of group assignment rules, wherein said plurality of group assignment rules associate a plurality of set top terminals to a group based on a target category and a switching plan;

switching at least one program channel to at least one feeder channel according to the switching plan, the feeder channel being an ancillary channel for providing a plurality of advertisements based on a group assignment in the plurality of group assignment rules;

managing the group assignment rules by allowing a viewer to review which group the viewer's set top terminal is assigned to by said processor according to a respective group assignment rule of said plurality of group assignment rules and by processing any input from the viewer to locally modify or override any of the remotely assigned group assignment rules associated with the viewer's set top terminal; and

collecting information including advertisements watched data and any changes to the plurality of group assignment rules for use in future advertising targeting. (Emphasis added).

In an exemplary embodiment, Applicants' invention teaches a system comprising a group assignment rules processor engine for managing the plurality of group assignment rules by allowing a viewer to review which group the viewer's set top terminal is assigned to by said processor according to a respective group assignment rule of said plurality of group assignment rules and by processing any input from the

viewer to locally modify or override any of the remotely assigned group assignment rules associated with the viewer's set top terminal. For example, the group assignment rules allow for the assignment of a group number to each set top terminal for each target category based on information collected and stored by the set top terminal. (See e.g. Applicants' specification, p. 48, ll. 5-7). In other words, each set top terminal is associated with other set top terminals based on the group number. (See e.g. Applicants' specification, p. 47, Table D). However, if a subscriber wishes to modify or override the assigned group number, the group assignment rules processor engine provides a way for the subscriber to review the current group assignment rules in effect for his or her terminal (i.e. see which group the set top terminal is assigned to) and override or modify any or all of the current group assignment rules in effect. (See e.g., Applicants' specification, p. 59, ll. 17-25).

In contrast, McKenna fails to disclose the claimed group assignment rules processor engine that allows a viewer to review and modify or override the group assignment rules. The Examiner concedes this in the Office Action. (See p. 4, ll. 3-9.) However, the Examiner alleges that Vogel bridges the substantial gap left between McKenna and Applicants' invention.

Vogel fails to bridge the substantial gap between McKenna and Applicants' invention because Vogel also fails to teach or to suggest the claimed a group assignment rules processor engine for managing the plurality of group assignment rules by allowing a viewer to review which group the viewer's set top terminal is assigned to by said processor according to a respective group assignment rule of said plurality of group assignment rules and by processing any input from the viewer to locally modify or override any of the remotely assigned group assignment rules associated with the viewer's set top terminal. In contrast, Vogel teaches that a user may locally modify a classification entered locally by the viewer.

The Applicants note the Examiner's response stating that the Examiner interprets the program classification as a group assignment rule and the user input is interpreted as a local override. (See Office Action, p. 2, "Response to Arguments"). However, the

Applicants respectfully submit that the Examiner's interpretation is not tenable based upon the Applicants' claims and the teachings of Vogel.

The program classification codes taught by Vogel cannot be interpreted as being a group assignment rule based on the Applicants' claims and the teachings of Vogel. The Applicants' claims specify that the group assignment rule at least "associate[s] a plurality of set top terminals to a group based on a target category and a switching plan." In stark contrast, the program classification taught by Vogel simply classifies the associated program. (See Vogel, col. 3, ll. 58-60). Thus, a user may censor programs based on classification codes at the set top terminal. (See *Id.* at col. 4, ll. 21-33). Notably, it is the locally set censoring by classification codes that the user may locally override. (See *Id.* at col. 5, ll. 35-43). The Applicants direct the Examiner's attention to the fact that the program classification codes taught by Vogel do not "associate a plurality of set top terminals to a group based on a target category and a switching plan," as positively claimed by the Applicants' invention. In other words, in Vogel, multiple programs having the same program classification code does not indicate that the multiple programs are destined for the same group of set top terminals. Therefore, the program classification codes cannot be interpreted as being a group assignment rule based on the Applicants' claims and the teachings of Vogel.

As a result, Vogel fails to teach or suggest a system comprising a group assignment rules processor engine for managing the plurality of group assignment rules by allowing a viewer to review which group the viewer's set top terminal is assigned to by said processor according to a respective group assignment rule of said plurality of group assignment rules and by processing any input from the viewer to locally modify or override any of the remotely assigned group assignment rules associated with the viewer's set top terminal. Rather, Vogel only teaches, as noted above, that a user may local override locally settings of censorship.

To illustrate, Vogel teaches an automatic censorship of video programs. A user may disable the display of programs of various classifications locally on the viewer's own terminal. (See Vogel, col. 5, ll. 1-34). The censoring of certain program classifications may be set locally by the user. (See Vogel, col. 4, ll. 21-33). If the user

later decides to watch one of the programs in the disabled classification, a user my press an OVERRIDE key to override the locally entered program classifications and watch the program. (See *Id.* at ll. 34-43). Notably, Vogel does not teach or suggest that pressing the OVERRIDE key modifies any remotely assigned group assignment rules associated with the viewer's set top terminal.

Therefore, even if McKenna and Vogel were combined, the combination would still fail to teach or suggest allowing a viewer to review which group the viewer's set top terminal is assigned to by said processor according to a respective group assignment rule of said plurality of group assignment rules and by processing any input from the viewer to locally modify or override any of the remotely assigned group assignment rules associated with the viewer's set top terminal. The OVERRIDE key taught by Vogel would only modify the classifications entered locally by the viewer. Notably, the OVERRIDE key taught by Vogel would not modify the switching mechanism or group identification number assigned to the set top terminal, as taught by McKenna.

However, Applicants respectfully submit that Vogel and McKenna cannot be meaningfully combined. As discussed in Applicants' response to the Office Action dated April 19, 2006, Applicants' described how McKenna teaches that the data collection unit itself controls the tuning of the cable converter. (See McKenna, col. 9, ll. 28-43; col. 10, ll. 38-50, "Specifically it is the data collection unit itself which controls the tuning of the cable converter. The viewer or panelist appears to control the cable converter normally, but the signals are actually intercepted by the data collection unit and it is the data collection unit that commands the tuning of the converter."). In contrast, Vogel teaches that the user controls the tuning of the cable converter based on the censorship rules created by assigning a group number to programs. (See Vogel, col. 5, ll. 1-17). For example, if the incoming video is to be censored based on the user controlled censorship rules, an alternate video is displayed. (See Vogel, col. 2, ll. 53-63; FIG. 1). Therefore, Vogel teaches away from McKenna because McKenna teaches the viewer does not have control of the tuning of the cable converter, where Vogel teaches that the user has control by defining what programs to censor and what programs to watch.

As such, McKenna and Vogel alone or in combination fail to teach or suggest Applicants' invention as claimed in at least claims 61 and 64. Accordingly, claims 61 and 64 are patentable under 35 U.S.C. §103 over McKenna and Vogel. Claims 62, 63, and 65 depend, directly or indirectly, from claim 61 and, thus, inherit the patentable subject matter of claim 61, while adding additional elements and further defining elements. Therefore, claims 62, 63, and 65 are also patentable over McKenna and Vogel under §103 for at least the reasons given above with respect to claims 61 and 64. Therefore, the Examiner's rejection of claims 61-65 should be withdrawn.

CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration and allowance of the claims. If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Jimmy Kim at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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